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BY HAND DELIVERY

Ms. Magalie Roman Salas
Secretary Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: MM Docket No. 97-217 and RM-9060
**EX PARTE PRESENTATION (2 copies submitted)**

Dear Ms. Salas:

This letter is written on behalf of the Catholic Television Network ("CTN") to correct the record in response to a letter filed on July 17, 1998, by Paul Sinderbrand, on behalf of the Petitioners in RM-9060 ("Sinderbrand Letter").

Petitioners characterize CTN's further comments in this proceeding[1] as evidencing "misunderstandings" of the revised methodology for predicting interference in a two-way environment.[2] In fact, there were no such misunderstandings. CTN's analysis of the Revised Methodology is supported by statements made within that document. Set forth below are CTN's responses to specific points in the Sinderbrand Letter.

First, Petitioners claim that CTN incorrectly assumes that the methodology is based on a uniform distribution of response stations in a response service area ("RSA"). Sinderbrand Letter, at 6-7. In fact, CTN's assumptions were taken from the Revised Methodology. It provides:

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[1] Comments of Catholic Television Network on Ex Parte Submissions (filed July 2, 1998).

[2] See Letter from Paul J. Sinderbrand, Counsel to Petitioners, to Magalie Roman Salas (filed June 5, 1998), Attachment 1 ("Revised Methodology").

> The combination of the grid of points within the RSA and the points of the analysis line is next used to determine that the number of grid points is truly representative of a *uniform distribution* of response station transmitters within the RSA.[3]

The Revised Methodology goes on to state: "Within regions [of the RSA], response stations are apt to be randomly distributed and for analysis purposes are to be assumed to be *uniformly distributed*."[4] Therefore, CTN is correct that the Revised Methodology is based on a uniform distribution of response stations.

Second, Petitioners claim that CTN is mistaken in assuming that the use of the "analysis line" cannot predict the impact of a response station transmitter on actual receive sites within the RSA. Sinderbrand Letter, at 7-8. As described in the Revised Methodology, the analysis line is drawn one-half mile beyond the boundary of the RSA, and is used to ensure that the analysis starts from a uniform distribution of grid points sufficiently spaced within the RSA.[5] The result is that the predicted interference potential for receive sites outside the RSA is evaluated by the aggregate power flux density from the modeling of response transmitters within the RSA, none of which would be located beyond the RSA boundary. Therefore, there is some probability that the predictive model of the response transmitters within the RSA will reflect the potential for interference from the actual distribution of response station transmitters on points outside the RSA.

However, because the analytical distribution of response transmitters within the RSA is purely hypothetical, the methodology has no predictive value for the impact on receive sites within the RSA from actual response transmitters, which are likely to be clustered and not likely to fall on grid points. Therefore, even though the proposed rules state that all receive sites are entitled to interference protection, that protection cannot be accurately predicted for receive sites inside the RSA due to the design of the Revised Methodology.

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[3] Revised Methodology, at 3 (emphasis added).

[4] Id. at 4 (emphasis added).

[5] Id. at 2-3.

Third, Petitioners claim that they have demonstrated brute force overload would rarely occur at ITFS receivers, and "CTN has never refuted" this demonstration. Sinderbrand Letter, at 10. In fact, CTN provided analyses of the threat from brute force overload in its January 8, 1998 Comments, February 9, 1998 Reply Comments and in its April 9, 1998, ex parte comments. These analyses demonstrate that within CTN's proposed "notification zone" around each receive site brute force overload is a very real concern, and within the proposed "testing zone" brute force overload is a significant threat.

Fourth, Petitioners claim that a requirement for commercial operators to cure any interference caused by a response station transmitter affords sufficient incentive to design a system that avoids the potential for interference. Sinderbrand Letter, at 11. However, as CTN has repeatedly pointed out, the Commission's current interference protection regime requires a pre-grant demonstration. To switch to a post hoc regime only would place an entirely new burden on ITFS licensees, who would have to suffer interference before it could be corrected. This shift in paradigm may degrade the utility of ITFS as a distance learning resource.

Fifth, Petitioners claim that they have proposed "far greater protection" from brute force overload into ITFS and MDS receive sites than is required of Wireless Communications Service licensees. Sinderbrand Letter, at 11. The fallacy in this analogy is that WCS mobile stations only have EIRPs of up to 20 Watts, whereas Petitioners propose response station transmitters with EIRPs of up to 2,000 Watts. Compare 47 C.F.R. § 27.50(b) with proposed 47 C.F.R. § 74.939(f)(3) [33 dBW]. And, there would be at least 140 MHz separation between WCS transmitters and ITFS receive sites, whereas there could be required at most a 6 MHz guardband between frequencies used for ITFS programming and response transmitters, and then only if the Commission adopts CTN's guardband proposal.

The debate over issues in this proceeding has produced substantial, useful information for the Commission. As CTN has reiterated in previous comments, it supports adoption of rules that facilitate the introduction of two-way services in the ITFS and MDS frequencies. However, CTN desires that such rules be based on an accurate understanding of the impact on both one-way and two-way services.

Respectfully submitted,

CATHOLIC TELEVISION NETWORK

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